

The Honorable RONALD B. LEIGHTON



06-CV-05268-ORD

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA BY DEPUTY	

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PROVIDENCE HEALTH SYSTEM-
WASHINGTON, a Washington nonprofit
corporation, doing business as PROVIDENCE
HORIZON HOUSE,

Plaintiff,

v.

JAMES H. BUSH, in his role as Trustee of the
Sarah Block Special Needs Trust, and TERRI
BLOCK, in her role as Guardian of the Person
and Estate of SARAH BLOCK,

Defendant.

No. 3:06-cv-05268 -RBL

~~PROPOSED~~ ORDER GRANTING
DEFENDANTS' JOINT MOTION
FOR SUMMARY JUDGMENT AND
DISMISSING PLAINTIFF'S
COMPLAINT WITH PREJUDICE

NOTE ON MOTION CALENDAR:
January 19, 2007

THIS MATTER came on for hearing upon defendant Block's Motion To Dismiss under
FRCP 12(b)(6), upon defendant Block's Motion for Summary Judgment Re: Application of the
Make Whole Doctrine, and upon the Joint Motion for Summary Judgment filed by defendants
Block and Bush, and the Court having reviewed the files and records herein, including:

1. Plaintiff's Complaint and the attached Exhibit 1;
2. Defendant Block's Motion To Dismiss under FRCP 12(b)(6);
3. Defendant Block's Request For Judicial Notice Under Federal Evidence Rule 201
and the Declaration and Exhibits accompanying the Request;
4. Plaintiff's Memorandum in opposition to defendant Block's Motion to Dismiss;

ORDER GRANTING DEFENDANTS' JOINT MOTION
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PLAINTIFF'S COMPLAINT - 1

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5. Defendant Block's Motion for Summary Judgment Regarding Application of the Make Whole Doctrine;
6. Plaintiff's Memorandum in Opposition to defendant Block's Motion for Summary Judgment;
7. The Stipulation and Order Regarding Defendants' Motions for Summary Judgment and Petitions for Attorney Fees;
8. Defendants' Joint Motion Under F.R.C.P. 56(b) for Summary Judgment Dismissing All Claims;
9. Defendants' Trustees' Reply to Plaintiff's Opposition to
Defendants' Motion for Summary Judgment
10. _____
11. _____; and
11. _____

The Court finds that it has subject matter jurisdiction and jurisdiction over the parties. The Court also finds that there is no genuine issue of material fact and the defendants are entitled to judgment as a matter of law.

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED that:

Defendants' Joint Motion for Summary Judgment under F.R.C.P 56(b) is GRANTED and Plaintiff Providence Health System-Washington's claims against Defendant Trustee James H. Bush and Defendant Guardian Terry Block are hereby DISMISSED with prejudice and with costs.

Dated this 20th day of January, 2007.


JUDGE RONALD B. LEIGHTON

ORDER GRANTING DEFENDANTS' JOINT MOTION
FOR SUMMARY JUDGMENT AND DISMISSING
PLAINTIFF'S COMPLAINT - 2

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1 Presented by:

2 **VANDEBERG JOHNSON & GANDARA**

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4 By _____
5 G. Perrin Walker, WSBA # 4013
6 Scott D. Winship, WSBA # 17047
7 Attorneys for Defendant James H. Bush, Trustee
8 of the Sarah Block Special Needs Trust

9 Approved for Entry:

10 By _____
11 Arden J. Olson, WSBA # 08530
12 Of Attorneys for Plaintiff Providence
13 Health System-Washington

14 Approved for Entry:

15 By _____
16 Kari I. Lester, WSBA # 28396
17 Law Offices of Ben F. Barcus & Associates, PLLC
18 Attorneys for Defendant Guardian Terri Block
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ORDER GRANTING DEFENDANTS' JOINT MOTION
FOR SUMMARY JUDGMENT AND DISMISSING
PLAINTIFF'S COMPLAINT - 3
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